

Message Text

CONFIDENTIAL

PAGE 01 STATE 027180

53

ORIGIN L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 OES-03 DLOS-03 DODE-00

COME-00 CEQ-01 EPA-01 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 PM-03 H-01 INR-07 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 CG-00 ACDA-05 AEC-05 AGR-05 EB-07

FMC-01 INT-05 JUSE-00 OMB-01 COA-01 AF-06 ARA-06

EA-06 NEA-09 DOTE-00 /126 R

DRAFTED BY L/OES:TLLEITZELL:MERS

APPROVED BY D/LOS - JOHN NORTON MOORE

EUR/NE - MR. DAWKINS

OES/OFA - CDR. BUSBY

DOD - MR. FRENCH (SUBS)

COMMERCE - MR. TAFT (SUBS)

CEQ - MR. COOK (SUBS)

EPA - MR. MCMANUS (SUBS)

----- 055336

O R 061625Z FEB 75

FM SECSTATE WASHDC

TO AMEMBASSY LONDON IMMEDIATE IMMEDIATE

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 027180

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: DRAFT UK PAPER FOR GROUP OF 17

1. EMBASSY REQUESTED CONTACT STEELE TO SET OUT POINTS
IN FOLLOWING PARAS. EMBASSY SHOULD STRESS US STRONG
DESIRE THAT UK TAKE OUR COMMENTS INTO ACCOUNT. COMMENTS
ARE PRELIMINARY AND ONLY INTENDED TO STRESS MAJOR
DIFFICULTIES.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 027180

2. SPECIAL AREAS. BECAUSE OF DESIRABILITY OF LIMITING

ANY MORE LIBERAL REGIME FOR STANDARD-SETTING IN ZONE TO ICE-INFESTED WATERS OF ARCTIC, INCLUSION OF SWEDISH PROPOSAL COULD BE DAMAGING. WE FEEL IT SHOULD NOT BE INCLUDED IN PROPOSED POSITION AND, IF AT ALL POSSIBLE, NOT INCLUDED IN TEXT AT ALL. A NOTE COULD BE ADDED INDICATING EXISTENCE OF SWEDISH PROPOSAL. ITALIAN PROPOSAL AS AMENDED COULD BE INCLUDED ALTHOUGH WE HAVE SOME PROBLEMS WITH IT WHICH CAN BE DISCUSSED AT MEETING. WE APPRECIATE FACT THAT UK HAS ATTEMPTED TO MAKE SWEDISH PROPOSAL MORE PALATABLE THROUGH AMENDMENTS BUT IT STILL GOES MUCH TOO FAR. WE FEEL NEGOTIATION CAN BE STEERED AWAY FROM STANDARD-SETTING IN ZONE WITH EXCEPTION NOTED ABOVE AND THAT GROUP OF 17 SHOULD BE FIRM ON THIS POINT.

3. PROPOSED POSITION - INTERNATIONAL STANDARDS. US STRONGLY CONCERNED BY AMENDMENTS TO ART. 3, PARA. 2, WHICH

TAKE INTO ACCOUNT FRENCH POSITION. IF THERE IS NO ARTICLE WITH BINDING OBLIGATION ON INTERNATIONAL STANDARDS, ENTIRE BASIS FOR MARITIME STATE APPROACH TO VESSEL POLLUTION CONTROLS WILL COLLAPSE AND A MAJOR ENVIRONMENTAL OBJECTIVE WILL BE LOST. FRENCH POSITION IS MINORITY POSITION IN GROUP OF 17 AND VERY SMALL MINORITY IN CONFERENCE. US COULD NOT EVEN CONSIDER CO-SPONSORING ARTICLES WHICH DID NOT INCLUDE CLEARLY BINDING OBLIGATION ON ALL STATES TO ADHERE TO INTERNATIONAL STANDARDS. US STRONGLY REQUESTS THAT TEXT OF ARTICLE BE MAINTAINED AS AGREED AT NOV. MEETING. THESE POINTS APPLY WITH EQUAL FORCE TO LANGUAGE IN PORT STATE AND COASTAL STATE ENFORCEMENT ARTICLES WHICH REQUIRE ENFORCING STATE TO BE PARTY TO RELEVANT CONVENTION AS PRECONDITION TO UNDERTAKING ENFORCEMENT. US VIEW IS THAT ALL PARTIES TO LOS TREATY MUST BE BOUND TO COMPLY WITH INTERNATIONAL STANDARDS REGARDLESS OF WHETHER THEY ARE PARTY TO RELEVANT CONVENTION ITSELF. THUS, ALL ENFORCING STATES AUTOMATICALLY BOUND. US WILL NOT CO-SPONSOR ARTICLES CONTAINING THIS LANGUAGE AND STRONGLY REQUEST IT BE DELETED.

4. PROPOSED POSITION - PORT STATE ENFORCEMENT. US CONCERNED WITH RESTRICTION REQUIRING QTE DAMAGE UNQTE
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 027180

TO QTE COASTLINE OR RELATED INTERESTS UNQTE AND WITH FLAG STATE PREEMPTION. THESE LIMITATIONS, TOGETHER WITH OTHERS IN THE PROPOSED POSITION MAKE THE POSITION CONSIDERABLY MORE CONSERVATIVE THAN THAT TABLED BY US IN JULY, 1973. US POSITION HAS NOT FULLY SATISFIED COASTAL GROUP IN CONFERENCE. TABLING OF EVEN MORE CONSERVATIVE POSITION WOULD NOT ENCOURAGE NEGOTIATION AND COULD WELL RESULT IN HARDENING OF COASTAL POSITIONS.

GIVEN EVIDENCE THAT IMPORTANT MEMBERS OF THAT GROUP ARE MODIFYING THEIR POSITIONS, SEVERE HARDLINE APPROACH BY MARITIMES COULD PRODUCE OPPOSITE EFFECT THAN INTENDED. US HAS OBJECTIVE OF OBTAINING EFFECTIVE PORT STATE ENFORCEMENT SYSTEM AND WOULD NOT BE ABLE TO CO-SPONSOR ARTICLES NOT CONTAINING SUCH AN EFFECTIVE SYSTEM.

5. PROPOSED POSITION - TERRITORIAL SEA. US CONCERNED AT LACK OF ARTICLE ON ENFORCEMENT IN TERRITORIAL SEA OUTSIDE OF STRAITS WHICH WE UNDERSTOOD WAS AGREED AT NOV. MEETING.

6. WE HAVE NOT COMMENTED ON THE DRAFT ARTICLES CIRCULATED EARLIER. HOWEVER, IT SHOULD BE CLEARLY UNDERSTOOD THAT OUR COMMENTS AND OBJECTIONS MADE DURING THE NOV. MEETING ON THOSE ARTICLES STILL APPLY. IN PARTICULAR, US POSITION REGARDING BRACKETED TEXTS HAS NOT CHANGED AND WE WILL COMMENT IN DETAIL DURING FEB. MEETING.

7. US APPRECIATES EFFORT OF UK ON ARTICLES AND OPPORTUNITY EXTENDED TO COMMENT IN ADVANCE OF CIRCULATION TO OTHER MEMBERS OF GROUP. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, FOREIGN POLICY POSITION, MEETINGS, RESOLUTIONS, TERRITORIAL CLAIMS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE027180
Document Source: CORE
Document Unique ID: 00
Drafter: TLLEITZELL:MERS
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750044-0156
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750265/aaaacgxxh.tel
Line Count: 137
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 25 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 JUN 2003 by MartinML>; APPROVED <03 NOV 2003 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: DRAFT UK PAPER FOR GROUP OF 17
TAGS: PLOS
To: LONDON
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006